



November 6, 2023

Hon. Amy DeBisschop
Director, Division of Regulations, Legislation, & Interpretation
Wage and Hour Division, U.S. Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210

Re: RIN #1235-AA39, Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees

Dear Director DeBisschop:

On behalf of the Nebraska Bankers Association (NBA), and our 159 member banks across the State of Nebraska, we write to express our strong opposition to the proposed rule referenced above which would significantly raise the salary exemption threshold for exempt employees under the Fair Labor Standards Act (FLSA). The NBA objects to the significant increase in the threshold. The current exemption is set at \$684 per week, or \$35,568 annually. This proposal would be a nearly 55% increase to \$1,059 per week, or \$55,068 annually, if not even higher by the date of implementation.

Nebraska banks, like many small businesses across the country, continue to feel the impact of the COVID-19 pandemic and ongoing economic struggles. Costs related to compliance, fraud prevention, and consumer protection increasingly affect the bottom line for Nebraska banks. The Final Rule would add an even greater strain on our members and their employees. At the end of the day, this rule would limit employee flexibility and harm ordinary Nebraskans.

It is also problematic that the Final Rule, especially in light of such a sharp jump in threshold, utilizes a "one-size-fits-all" approach. This fails to take into account the cost of living and corresponding differences in wages across different areas of the country. A bank or small business in rural Nebraska should not be subject to the same wage threshold as a business in Washington, D.C.

The Final Rule, as it presently stands, will do serious damage to banks and other small businesses in Nebraska. Based on the foregoing, the NBA would encourage the Department of Labor to significantly reduce the exemption threshold and consider adopting multiple standard salary levels to address economic and cost of living differences between states and regions of the country.

Sincerely,

A handwritten signature in blue ink that reads "Richard J. Baier".

Richard J. Baier
President & CEO

richard.baier@nebankers.org